

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CARLO JOEL HERNANDEZ-ALICEA,
Defendant.

CRIMINAL NO.: 16-781 (JAG)

REVOCATION MEMORANDUM

TO THE HONORABLE JAY A. GARCIA-GREGORY
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

On December 20, 2023, United States Probation Officer (“USPO”) Carlos G. Miro filed a motion notifying violations of Mr. Carlo Joel Hernandez-Alicea’s (“Mr. Hernandez”) conditions of supervised release. D.E. 105. The motion alleges that on December 8, 2023, Mr. Hernandez engaged in new criminal conduct and a complaint was filed against him. *Id.* Mr. Hernandez was charged and arrested for violation to the Article 3.1 of the Puerto Rico 54 Domestic Violence Act. Moreover, USPO Miro informed that Mr. Hernandez had yielded positive results to marijuana on December 7, 2022, March 23, 2023, and November 6, 2023. *Id.* On January 10, 2024, all state charges against Mr. Hernandez were dismissed. D.E. 117.

Mr. Hernandez will not contest the violations. He was forthcoming, admitted the violations to his supervised release conditions and is truly remorseful of his actions. The violations in this case constitute Grade B violations.¹ With a Criminal History Category of I, the guidelines’ imprisonment range is 4-10 months.

¹ The First Circuit recently resolved that a conviction under Article 3.1 of the Puerto Rico Domestic Abuse Prevention and Intervention Act is not a crime of violence. *United States v. Menendez-Montalvo*, 88 F.4th 326, 329 (1st Cir. 2023).

Mr. Hernandez began his term of supervised release on June 1, 2022. His supervised release term is set to expire on May 21, 2026. Since his release, Mr. Hernandez has been gainfully employed in a restaurant called *Cuerita del Mar* in San Juan. He was working long shifts from 12PM to 11PM almost five (5) times a week prior to his arrest. Moreover, in October 2023 he opened a food truck with Ms. Nashalie Torres, his consensual partner, called Black Moonchi. He was extremely excited to open his own business. The business is managed by both, Ms. Torres, who would open the food truck and Mr. Hernandez, who works at the food truck after finishing his shifts at la *Cuerita del Mar*. For the past months, Ms. Torres has done all she can to keep their business afloat, but it has been hard without the help of Mr. Hernandez. Recently, Mr. Hernandez had no option than to return his car since he has been unable to pay the loan and Ms. Torres cannot afford it either.

Certainly, Mr. Hernandez is aware of the negative consequences of his actions. Aside from incarceration, he is on the verge of loosing everything he has worked for in the past 2 years. If he is not able to support Ms. Torres, they might have to close their business. This has been a reality check for Mr. Hernandez and the fear of loosing it all has been the biggest punishment.

Mr. Hernandez has been honest about his marijuana use; he was attending his substance abuse treatments and will continue attending when he is released. Mr. Hernandez has also been forthcoming accepting the violations and showing remorse for his actions. He recognizes that there are many issues he must work with. If not, he will lose his freedom, his partner, his business and potentially his employment at la *Cuerita* prior to his arrest. Mr. Hernandez is willing and eager to attend anger management therapy to effectively manage his emotions and comply with all his other conditions of supervised release.

Upon revocation, Mr. Hernandez moves the Honorable Court to sentence him to 4 months of imprisonment with the added condition that he attends and completes anger management/domestic violence program. While not condoning his actions, the requested sentence

considers the context of the violations and his compromise to attend mental health treatment. He is asking the Honorable Court for a chance to demonstrate that he can and will do better. He will continue to be a hardworking man whilst attending therapy to manage his emotions. Mr. Hernandez has been incarcerated since December 8, 2023, first under state custody and currently under federal custody. A sentence of 4-month imprisonment is sufficient and not greater than necessary pursuant to 18 U.S.C. § 3553(a).

WHEREFORE, Mr. Hernandez respectfully requests this Honorable Court sentence him to a term of 4 months of incarceration.

I HEREBY CERTIFY that on this date, I electronically filed the present motion with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of February 2024.

RACHEL BRILL
Federal Public Defender
District of Puerto Rico

S/ Stephanie Torres-Perez
Stephanie Torres-Pérez
Assistant Federal Public Defender
USDC-PR 308710
241 F.D. Roosevelt Ave.
San Juan, PR 00918-2441
T: (787) 281-4922 / F: (787) 281-4899
Email: Stephanie.Torres@fd.org